

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, JULY 11, 2012
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009**

Ruthanne Miller, Chairperson

Members:

Nick Alberti, Donald Brooks, Herman Jones, Calvin Nophlin, Mike Silverstein

Protest Hearing (Status)

9:30 AM

Case # 12-PRO-00035

JH & YJ, Inc., t/a Fairfax Liquors

3851 Pennsylvania Ave SE

License #78013

Retailer A

ANC 7B

Renewal Application

Disposition: The Board dismissed the Application, because the Applicant failed to appear. The Applicant may seek reinstatement within 10 days of the Board Order, 6-0.

Protest Hearing (Status)

9:30 AM

Case # 12-PRO-00034

Oasis Liquors, Inc., t/a Oasis Market

1179 3rd Street NE

License #88531

Retailer A

ANC 6C

Renewal Application

Disposition: The Board scheduled the Protest Hearing for August 15, 2012 at 4:00 pm, 6-0.

Protest Hearing (Status)

9:30 AM

Case # 12-PRO-00058

Three Way Liquors, Inc., t/a Three Way Liquors, Inc.
4823 Georgia Ave NW
License #21972
Retailer A
ANC 4D

Renewal Application

(Continued to July 25, 2012 at 9:30 a.m.)

Disposition: The Board granted the Protestant's Motion for Continuance and rescheduled the Protest Status Hearing for July 25, 2012 at 9:30 am.

Protest Hearing (Status)

9:30 AM

Case # 12-PRO-00036

I and J Baik Corporation Stipulation, t/a Alabama Express
2846 Alabama Ave SE
License #24971
Retailer A
ANC 7B

Renewal Application

Disposition: The Board scheduled the Protest Hearing for September 12, 2012 at 1:30 pm, 6-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00065 & 12-251-00065(a)

Shabuy, Inc., t/a Tabaq Bistro
1336 U Street NW
License #70707
Retailer CT
ANC 1B

Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose, Violation of Voluntary Agreement

Disposition: The Board accepted an Offer in Compromise: \$3,000 to be paid within 30 days; 3 days of suspension stayed for one year, 6-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-251-00103

Caribbean Vibes, Inc., t/a Club Timehri
2439 18th Street NW
License #77730
Retailer CT
ANC 1C

Failed to Comply With Security Plan, Allowed the Establishment to be Used for an Unlawful or Disorderly Purpose

Disposition: The Licensee failed to appear. The Board scheduled the Show Cause Hearing for July 25, 2012 at 10:00 am, 6-0.

Show Cause Hearing (Status)

9:30 AM

Case # 12-CMP-00057

West End Bar & Grill, LLC, t/a Marshall's
2524 L Street NW
License #23505
Retailer CT
ANC 2A

Operating After Hours

Disposition: The Board accepted an Offer in Compromise: \$3,000 to be paid on July 11, 2012, 6-0.

Presentation To The Board

9:30 AM

Robert G. Smith, CEO/President
Nightclub Security Consultants
501 W. Broadway, Suite A133
San Diego, CA 92101

Disposition: FYI.

Show Cause Hearing

10:00 AM

Case # 10-CMP-00593

Armand's Chicago Pizzeria, Inc., t/a Armand's Chicago Pizzeria
4231 Wisconsin Ave NW
License #826
Retailer CR
ANC 3F

**Failed to Comply with Board Order
(Hearing Cancelled)**

Disposition: The establishment is out of business. The Office of the Attorney General declined to prosecute, and the Show Cause Hearing was cancelled.

Safekeeping Hearing

10:30 AM

Mexican Café, Inc., t/a Margarita Restaurant
2317 Wisconsin Ave NW
License #16488
Retailer CR
ANC 3B

License in Safekeeping-Glover Park Moratorium Zone

Disposition: The Licensee failed to appear. The Board deemed the License abandoned under §25-791(a), via Board Order No. 2012-308. The Licensee has 14 days to request an extension of safekeeping or the license will be cancelled, 6-0.

Summary Suspension Status Hearing

11:00 AM

Case # 12-251-00104

Island Café, Inc., t/a Island Café
829 Upshur Street NW
License #60578
Retailer CT
ANC 4C

Update from Licensee on Compliance with Board Order

Disposition: The Board took no further action, 6-0.

Fact Finding Hearing

11:30 AM

Case # 11-251-00384

Island Café, Inc., t/a Island Café

829 Upshur Street NW

License #60578

Retailer CT

ANC 4C

Assault Inside of the Establishment

Disposition: The Board voted to send this matter to the Office of the Attorney General for Show Cause, 4-2 (Miller, Nophlin).

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 PM

Fact Finding Hearing

1:30 PM

Case # 12-CMP-00106

Solomon Enterprises, LLC, t/a Climax Restaurant & Hookah Bar

900 Florida Ave NW

License #88290

Retailer CT

ANC 1B

Operating After Hours

Disposition: The Board voted to send this matter to the Office of the Attorney General for Show Cause. 6-0.

Show Cause Hearing

2:30 PM

Case # 12-AUD-00005

M St. Enterprises, Inc., t/a Churreria Madrid Restaurant
2505 Champlain Street NW

License #60806

Retailer CR

ANC 1C

Failed to File Quarterly Statements

Disposition: The Licensee failed to appear and the Government proceeded ex parte. The Board held a Closed Meeting under the Open Meetings Act and will issue an Order within 90 days, 6-0.

Show Cause Hearing

3:30 PM

Case # 11-CMP-00489

Atomic Billiards Corporation, t/a Atomic Billiards
3427 Connecticut Ave NW

License #19007

Retailer CT

ANC 3C

Operating After Hours

Disposition: The Board accepted an Offer in Compromise: \$2,000 to be paid on July 11, 2012; 3 days of suspension stayed for one year; 2 days served (September 3, 2012 and September 4, 2012) that trigger from Case No. 10-CMP-00176, 4-1 (Jones).

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, JULY 11, 2012 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Manager's Application for Antonio D. Gilkey.**
Decision: Approved, 6-0.
2. Review of Application for License Class Change from a Class "CX" Club License to a Class "CX" Multipurpose License. No pending investigative matters. No outstanding citations/fines. No voluntary agreement. ANC 4D. *T & T Associates*, 5123 Georgia Avenue NW Retailer CX, Lic.#: 17426.
Decision: Refer back to Licensing; Postponed until July 25, 2012.
3. Review of Change of Hours Application to change Hours of Operation and Hours of Alcoholic Beverage Sales/Service. Current *Hours of Operation and Hours of Alcoholic Beverage Sales/Service*: Monday through Saturday 9am-9pm. *Proposed Hours of Operation and Hours of Alcoholic Beverage Sales/Service*: Monday through Thursday 9am-9pm, Friday and Saturday 9am-10pm. No pending investigative matters. No outstanding citations/fines. No conflict with Voluntary Agreement. ANC 8E. *Wheeler Liquors*, 4137 Wheeler Road SE Retailer A, Lic.#: 88122.
Decision: Approved, 6-0.
4. Review of request from Paul Pascal on behalf of Endeka Enterprises, LLC (the "Landlord") to approve a transfer of the Class "C" Restaurant license to the Landlord pursuant to a settlement agreement with Tenant (License Holder) and a request to place the license in Safekeeping. Pending investigative matters. No outstanding citations/fines. No voluntary agreement. ANC 2B. *Heritage India Brassiere & Lounge*, 1337 Connecticut Avenue NW Retailer CR04, Lic.#: 75074.*
Decision: Refer back to Licensing to obtain transfer consent form.
5. Review of Protestant's Motion for Reinstatement, dated June 14, 2012, from Don Padou for the National Capital Area Command of the Salvation Army. The Protestant was dismissed at the Roll Call Hearing on June 11, 2012. *Club Illusions*, 2101 New York Avenue NE Retailer CN, Lic.#: 88682.*
Decision: Approved, 6-0.

6. Review of Motion for Reinstatement, dated June 25, 2012, from Don Padou on behalf of the National Capital Area Command of the Salvation Army. **Hush Restaurant and Lounge**, 2121 New York Avenue NE Retailer CT03, Lic.#: 89332.
Decision: Denied, 6-0.
7. Review of correspondence, dated May 27, 2012, from Brendan Smith requesting clarification of Board Order No. 2011-448 for Capitol Food Mart regarding single sales. **Capitol Food Mart**, 1634 North Capitol Street NW Retailer B, Lic.#: 86246.*
Decision: The Board will issue a written clarification, 6-0.
8. Review of Licensee's Petition for Reconsideration, dated June 18, 2012, from Richard Bianco, and the response from ANC 1C, dated June 26, 2012. **Madam's Organ**, 2461 18th Street NW Retailer CT01, Lic.#: 25273.*
Decision: Denied, 6-0.
9. Review of Voluntary Agreement, dated March 7, 2012, between New York Avenue Beach Bar and ANC 2C. **New York Avenue Beach Bar**, 645 New York Avenue NW Retailer CT02, Lic.#: 89365.*
Decision: Approved with modifications to paragraphs 3 and 6, 6-0.
10. Review of Voluntary Agreement, dated June 12, 2012, between Buechert's Saloon and ANC 6B. **Beuchert's Saloon**, 623 Pennsylvania Avenue SE Retailer CR01, Lic.#: 89616.*
Decision: Approved with modification to Section 2, 6-0.
11. Review of Voluntary Agreement, dated June 13, 2012, between Room 11 and ANC 1A. **Room 11**, 3234 11th Street NW Retailer CR01, Lic.#: 79568.*
Decision: Approved with modification to Section 6, 6-0.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations. The Board's vote will be held in an open session, and the public is permitted to attend.**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
LICENSE CANCELLATION**

**WEDNESDAY, July 11, 2012
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

The Board is requested to approve the following license cancellation for the reason outlined below.

ABRA – 083711 – **Litestars** – DR – 2101 L Street, NW. [Request for cancellation received.]
Decision: Cancelled via Board Order No. 2012-304, 6-0.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JULY 11, 2012
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On JULY 11, 2012 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#11-251-00303 Modern, 3287 M ST NW Retailer C Tavern, License#: ABRA-076925
Decision: Refer back to Enforcement.

2. Case#12-251-00152 Modern, 3287 M ST NW Retailer C Tavern, License#: ABRA-076925
Decision: No Further Action.

3. Case#12-CMP-00230 Roses Dream Bar And Lounge, 1370 H ST NE Retailer C Tavern,
License#: ABRA-074099
Decision: Postponed until July 25, 2012.

4. Case#12-CC-00053 Harriets, 432 11TH ST NW Retailer C Tavern, License#: ABRA-075642
Decision: Sale to Minor Warning Letter.

5. Case#12-CMP-00213 Alero Restaurant and Lounge, 1301 U ST NW B Retailer C Restaurant,
License#: ABRA-071881
Decision: Warning Letter.

6. Case#12-251-00131 Lima Restaurant and Lounge, 1401 K ST NW B Retailer C Tavern,
License#: ABRA-073817
Decision: Show Cause.

7. Case#12-CC-00038 Tenley Mini Market, 4326 WISCONSIN AVE NW Retailer B Retail -
Grocery, License#: ABRA-060821
Decision: Sale to Minor Warning Letter; Staff Settlement.

8. Case#12-CMP-00226 Alero Restaurant-1, 1724 CONNECTICUT AVE NW A Retailer C
Restaurant, License#: ABRA-060134
Decision: Show Cause.

9. Case#12-CC-00056 New Orleans Cafe, 2412 18TH ST NW Retailer C Restaurant, License#: ABRA-021784

Decision: Sale to Minor Warning Letter.

10. Case#12-CC-00046 Towne Liquors, 1326 WISCONSIN AVE NW Retailer A Retail - Liquor Store, License#: ABRA-060471

Decision: Staff Settlement.

11. Case#12-251-00177 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-082005

Decision: No Further Action.

12. Case#12-251-00193 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-082005

Decision: Show Cause.

13. Case#12-251-00194 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-082005

Decision: No Further Action.

14. Case#12-251-00176 One, 1606 20TH ST NW Retailer C Restaurant, License#: ABRA-083468

Decision: No Further Action.

15. Case#12-CMP-00217 Sun Market, 415 RHODE ISLAND AVE NE Retailer B Retail - Class B, License#: ABRA-083937

Decision: Staff Settlement.

16. Case#12-CMP-00232 DC Brau Brewing, 3178 BLADENSBURG RD NE Retailer B Manufacturer, License#: ABRA-085083

Decision: Staff Settlement (Gifted a Caterer); No Further Action (Keg Registration).

17. Case#12-CMP-00225 Red Line, 707 G ST NW Retailer C Restaurant, License#: ABRA-085225

Decision: Fact Finding.

18. Case#11-CMP-00457(a) Bistro 18, 2420 - 2422 18TH ST NW Retailer C Restaurant, License#: ABRA-086876

Decision: Show Cause.

19. Case#12-CC-00059 Flagler Market, 2200 FLAGLER PL NW Retailer B Retail - Grocery, License#: ABRA-086718

Decision: Sale to Minor Warning Letter; Staff Settlement.

20. Case#12-CMP-00231 Roses Dream, 1370 H ST NE Caterer Caterer , License#: ABRA-087032

Decision: Postponed until July 25, 2012.

21. Case#12-AUD-00021 Cafe Green, 1513 17th ST NW Retailer C Restaurant, License#: ABRA-081752 (Previously published in the 6/27/12 DC Register)

Decision: See Supplemental Report (Show Cause).

22. Case#12-AUD-00024 Ping Pong, 900 7TH ST NW Retailer C Restaurant, License#: ABRA-082097 (Previously published in the 6/27/12 DC Register)

Decision: See Supplemental Report (Show Cause).

23. Case#12-AUD-00025 El Sauce Restaurant And Carry-out, 1227 11TH ST NW Retailer D Restaurant, License#: ABRA-072654 (Previously published in the 6/27/12 DC Register)

Decision: See Supplemental Report (Show Cause).

24. Case#12-AUD-00026 Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510 (Previously published in the 6/27/12 DC Register)

Decision: See Supplemental Report (Show Cause).

25. Case#12-AUD-00028 Lindys Bon Appetit, 2040 I ST NW Retailer C Restaurant, License#: ABRA-023533 (Previously published in the 6/27/12 DC Register)

Decision: See Supplemental Report (Show Cause).

26. Case#12-AUD-00030 Sweet Mango Cafe, 3701 NEW HAMPSHIRE AVE NW Retailer C Restaurant, License#: ABRA-072512 (Previously published in the 6/27/12 DC Register)

Decision: See Supplemental Report (Show Cause).

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
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**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JULY 11, 2012
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On July 11, 2012, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matter identified below. Under Section 406(3) of the Open Meetings Act, it was not practical to publish notice of this matter in the District of Columbia Register. However, the notice requirements of section 406 (1)-(2) were satisfied.

1. Case#12-AUD-00021(a) Cafe Green, 1513 17th ST NW Retailer C Restaurant, License#: ABRA-081752

Decision: Show Cause.

2. Case#12-AUD-00024(a) Ping Pong, 900 7TH ST NW Retailer C Restaurant, License#: ABRA-082097

Decision: Show Cause.

3. Case#12-AUD-00025(a) El Sauce Restaurant And Carry-out, 1227 11TH ST NW Retailer D Restaurant, License#: ABRA-072654

Decision: Show Cause.

4. Case#12-AUD-00026(a) Queen Makeda, 1917 9TH ST NW Retailer C Restaurant, License#: ABRA-060510

Decision: Show Cause.

5. Case#12-AUD-00028(a) Lindys Bon Appetit, 2040 I ST NW Retailer C Restaurant, License#: ABRA-023533

Decision: Show Cause.

6. Case#12-AUD-00030(a) Sweet Mango Cafe, 3701 NEW HAMPSHIRE AVE NW Retailer C Restaurant, License#: ABRA-072512 (Previously published in the 6/27/12 DC Register)

Decision: Show Cause.

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**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, JULY 11, 2012
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On July 11, 2012, the Alcoholic Beverage Control Board will hold an emergency closed meeting regarding the matter identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed for the following reasons: (1) To consult with an attorney to obtain legal advice; (2) To discuss and hear a report concerning alleged criminal or civil misconduct or violations of the law or regulations; and (3) To discuss and take action regarding specific methods and procedures to protect the public from substantial dangers to the public, and to receive briefings by staff members, legal counsel, or law enforcement concerning these methods and procedures.

1. Case#12-251-00227 La Cabana Restaurant, 3614 14TH ST NW Retailer C Restaurant,
License#: ABRA-074849

Decision: Refer back to Enforcement.

2. Case#12-251-00223 Ibiza, 1222 1ST ST NE Retailer C Nightclub, License#: ABRA-074456

Decision: Show Cause.